

AMENDED IN SENATE JUNE 13, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1403

Introduced by Committee on Judiciary (Wieckowski (Chair), Alejo, Chau, Dickinson, Garcia, Muratsuchi, and Stone)

March 12, 2013

An act to amend Sections 7601, 7610, 7611, 7612, 7613, 7614, 7620, 7630, 7632, 7635, 7637, 7641, 7644, 7648.9, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7667, and 7669 of the Family Code, and to add Section 69617 to the Government Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1403, as amended, Committee on Judiciary. Family law.

(1) The Uniform Parentage Act defines the parent and child relationship as the legal relationship existing between a child and the child's parents, including the mother and child relationship and the father and child relationship, and governs proceedings to establish that relationship.

The bill would define "natural parent" as a nonadoptive parent, as specified, whether biologically related to the child or not. The bill would also make certain provisions gender neutral and refer instead to a "presumed parent" or "parent." The bill would make other conforming changes.

(2) Existing law specifies the number of judges of the superior court for each county, and allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council, and other specified criteria. Existing law provides for the conversion of 146 subordinate judicial officer positions in eligible superior courts

upon the occurrence of specified conditions, including that the proposed action is ratified by the Legislature, except that no more than 16 positions may be converted to judgeships in any fiscal year. Notwithstanding this provision, up to 10 additional subordinate judicial officer positions may be converted to judgeships in any fiscal year, if the conversions will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer and the proposed action is ratified by the Legislature. Existing law ratifies the authority of the Judicial Council to convert 10 of those subordinate judicial officer positions to judgeships in the 2011–12 fiscal year.

This bill would ratify the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2013–14 fiscal year where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7601 of the Family Code is amended to
- 2 read:
- 3 7601. (a) “Natural parent” as used in this code means a
- 4 nonadoptive parent established under this part, whether biologically
- 5 related to the child or not.
- 6 (b) “Parent and child relationship” as used in this part means
- 7 the legal relationship existing between a child and the child’s
- 8 natural or adoptive parents incident to which the law confers or
- 9 imposes rights, privileges, duties, and obligations. The term
- 10 includes the mother and child relationship and the father and child
- 11 relationship.
- 12 SEC. 2. Section 7610 of the Family Code is amended to read:
- 13 7610. The parent and child relationship may be established as
- 14 follows:
- 15 (a) Between a child and the natural parent, it may be established
- 16 by proof of having given birth to the child, or under this part.
- 17 (b) Between a child and an adoptive parent, it may be established
- 18 by proof of adoption.
- 19 SEC. 3. Section 7611 of the Family Code is amended to read:

1 7611. A person is presumed to be the natural parent of a child
2 if the person meets the conditions provided in Chapter 1
3 (commencing with Section 7540) or Chapter 3 (commencing with
4 Section 7570) of Part 2 or in any of the following subdivisions:

5 (a) The presumed parent and the child's natural mother are or
6 have been married to each other and the child is born during the
7 marriage, or within 300 days after the marriage is terminated by
8 death, annulment, declaration of invalidity, or divorce, or after a
9 judgment of separation is entered by a court.

10 (b) Before the child's birth, the presumed parent and the child's
11 natural mother have attempted to marry each other by a marriage
12 solemnized in apparent compliance with law, although the
13 attempted marriage is or could be declared invalid, and either of
14 the following is true:

15 (1) If the attempted marriage could be declared invalid only by
16 a court, the child is born during the attempted marriage, or within
17 300 days after its termination by death, annulment, declaration of
18 invalidity, or divorce.

19 (2) If the attempted marriage is invalid without a court order,
20 the child is born within 300 days after the termination of
21 cohabitation.

22 (c) After the child's birth, the presumed parent and the child's
23 natural mother have married, or attempted to marry, each other by
24 a marriage solemnized in apparent compliance with law, although
25 the attempted marriage is or could be declared invalid, and either
26 of the following is true:

27 (1) With his or her consent, the presumed parent is named as
28 the child's parent on the child's birth certificate.

29 (2) The presumed parent is obligated to support the child under
30 a written voluntary promise or by court order.

31 (d) The presumed parent receives the child into his or her home
32 and openly holds out the child as his or her natural child.

33 (e) If the child was born and resides in a nation with which the
34 United States engages in an Orderly Departure Program or
35 successor program, he acknowledges that he is the child's father
36 in a declaration under penalty of perjury, as specified in Section
37 2015.5 of the Code of Civil Procedure. This subdivision shall
38 remain in effect only until January 1, 1997, and on that date shall
39 become inoperative.

1 (f) The child is in utero after the death of the decedent and the
2 conditions set forth in Section 249.5 of the Probate Code are
3 satisfied.

4 SEC. 4. Section 7612 of the Family Code is amended to read:

5 7612. (a) Except as provided in Chapter 1 (commencing with
6 Section 7540) and Chapter 3 (commencing with Section 7570) of
7 Part 2 or in Section 20102, a presumption under Section 7611 is
8 a rebuttable presumption affecting the burden of proof and may
9 be rebutted in an appropriate action only by clear and convincing
10 evidence.

11 (b) If two or more presumptions arise under Section 7610 or
12 7611 that conflict with each other, or if a presumption under
13 Section 7611 conflicts with a claim pursuant to Section 7610, the
14 presumption which on the facts is founded on the weightier
15 considerations of policy and logic controls.

16 (c) The presumption under Section 7611 is rebutted by a
17 judgment establishing parentage of the child by another person.

18 (d) Within two years of the execution of a voluntary declaration
19 of paternity, a person who is presumed to be a parent under Section
20 7611 may file a petition pursuant to Section 7630 to set aside a
21 voluntary declaration of paternity. The court's ruling on the petition
22 to set aside the voluntary declaration of paternity shall be made
23 taking into account the validity of the voluntary declaration of
24 paternity, and the best interests of the child based upon the court's
25 consideration of the factors set forth in subdivision (b) of Section
26 7575, as well as the best interests of the child based upon the
27 nature, duration, and quality of the petitioning party's relationship
28 with the child and the benefit or detriment to the child of continuing
29 that relationship. In the event of any conflict between the
30 presumption under Section 7611 and the voluntary declaration of
31 paternity, the weightier considerations of policy and logic shall
32 control.

33 (e) A voluntary declaration of paternity is invalid if, at the time
34 the declaration was signed, any of the following conditions exist:

35 (1) The child already had a presumed parent under Section 7540.

36 (2) The child already had a presumed parent under subdivision
37 (a), (b), or (c) of Section 7611.

38 (3) The man signing the declaration is a sperm donor, consistent
39 with subdivision (b) of Section 7613.

40 SEC. 5. Section 7613 of the Family Code is amended to read:

1 7613. (a) If, under the supervision of a licensed physician and
2 surgeon and with the consent of her spouse, a woman conceives
3 through assisted reproduction with semen donated by a man not
4 her husband, the spouse is treated in law as if he or she were the
5 natural parent of a child thereby conceived. The spouse's consent
6 shall be in writing and signed by both spouses. The physician and
7 surgeon shall certify their signatures and the date of the assisted
8 reproduction procedure, and retain the spouse's consent as part of
9 the medical record, where it shall be kept confidential and in a
10 sealed file. However, the physician and surgeon's failure to do so
11 does not affect the parent and child relationship. All papers and
12 records pertaining to the assisted reproduction procedure, whether
13 part of the permanent record of a court or of a file held by the
14 supervising physician and surgeon or elsewhere, are subject to
15 inspection only upon an order of the court for good cause shown.

16 (b) The donor of semen provided to a licensed physician and
17 surgeon or to a licensed sperm bank for use in assisted reproduction
18 of a woman other than the donor's spouse is treated in law as if
19 he were not the natural parent of a child thereby conceived, unless
20 otherwise agreed to in a writing signed by the donor and the woman
21 prior to the conception of the child.

22 SEC. 6. Section 7614 of the Family Code is amended to read:

23 7614. (a) A promise in writing to furnish support for a child,
24 growing out of a presumed parent or alleged father and child
25 relationship, does not require consideration and, subject to Section
26 7632, is enforceable according to its terms.

27 (b) In the best interest of the child or the other parent, the court
28 may, and upon the promisor's request shall, order the promise to
29 be kept in confidence and designate a person or agency to receive
30 and disburse on behalf of the child all amounts paid in performance
31 of the promise.

32 SEC. 7. Section 7620 of the Family Code is amended to read:

33 7620. (a) A person who has sexual intercourse or causes
34 conception with the intent to become a legal parent by assisted
35 reproduction in this state thereby submits to the jurisdiction of the
36 courts of this state as to an action brought under this part with
37 respect to a child who may have been conceived by that act of
38 intercourse or assisted reproduction.

39 (b) An action under this part shall be brought in one of the
40 following:

1 (1) The county in which the child resides or is found.

2 (2) If the child is the subject of a pending or proposed adoption,
3 any county in which a licensed California adoption agency to which
4 the child has been relinquished or is proposed to be relinquished
5 maintains an office.

6 (3) If the child is the subject of a pending or proposed adoption,
7 the county in which an office of the department or a public adoption
8 agency investigating the petition is located.

9 (4) If the parent is deceased, the county in which proceedings
10 for probate of the estate of the parent of the child have been or
11 could be commenced.

12 SEC. 8. Section 7630 of the Family Code is amended to read:

13 7630. (a) A child, the child's natural parent, a person presumed
14 to be the child's parent under subdivision (a), (b), or (c) of Section
15 7611, an adoption agency to whom the child has been relinquished,
16 or a prospective adoptive parent of the child may bring an action
17 as follows:

18 (1) At any time for the purpose of declaring the existence of the
19 parent and child relationship presumed under subdivision (a), (b),
20 or (c) of Section 7611.

21 (2) For the purpose of declaring the nonexistence of the parent
22 and child relationship presumed under subdivision (a), (b), or (c)
23 of Section 7611 only if the action is brought within a reasonable
24 time after obtaining knowledge of relevant facts. After the
25 presumption has been rebutted, parentage of the child by another
26 person may be determined in the same action, if that person has
27 been made a party.

28 (b) ~~Notwithstanding Sections 7540 and 7613, any~~ Any interested
29 party may bring an action at any time for the purpose of
30 determining the existence or nonexistence of the parent and child
31 relationship presumed under subdivision (d) or (f) of Section 7611.

32 (c) Except as to cases coming within Chapter 1 (commencing
33 with Section 7540) of Part 2, an action to determine the existence
34 of the parent and child relationship may be brought by the child
35 or personal representative of the child, the Department of Child
36 Support Services, the parent or the personal representative or a
37 parent of that parent if that parent has died or is a minor, a man
38 alleged or alleging himself to be the father, or the personal
39 representative or a parent of the alleged father if the alleged father
40 has died or is a minor.

1 (d) (1) If a proceeding has been filed under Chapter 2
2 (commencing with Section 7820) of Part 4, an action under
3 subdivision (a) or (b) shall be consolidated with that proceeding.
4 The parental rights of the presumed parent shall be determined as
5 set forth in Sections 7820 to 7829, inclusive.

6 (2) If a proceeding pursuant to Section 7662 has been filed under
7 Chapter 5 (commencing with Section 7660), an action under
8 subdivision (c) shall be consolidated with that proceeding. The
9 parental rights of the alleged natural father shall be determined as
10 set forth in Section 7664.

11 (3) The consolidated action under paragraph (1) or (2) shall be
12 heard in the court in which the proceeding under Section 7662 or
13 Chapter 2 (commencing with Section 7820) of Part 4 is filed, unless
14 the court finds, by clear and convincing evidence, that transferring
15 the action to the other court poses a substantial hardship to the
16 petitioner. Mere inconvenience does not constitute a sufficient
17 basis for a finding of substantial hardship. If the court determines
18 there is a substantial hardship, the consolidated action shall be
19 heard in the court in which the parentage action is filed.

20 (e) (1) If any prospective adoptive parent who has physical
21 custody of the child, or any licensed California adoption agency
22 that has legal custody of the child, has not been joined as a party
23 to an action to determine the existence of a parent and child
24 relationship under subdivision (a), (b), or (c), or an action for
25 custody by the alleged natural father, the court shall join the
26 prospective adoptive parent or licensed California adoption agency
27 as a party upon application or on its own motion, without the
28 necessity of a motion for joinder. A joined party shall not be
29 required to pay a fee in connection with this action.

30 (2) If a person brings an action to determine parentage and
31 custody of a child who he or she has reason to believe is in the
32 physical or legal custody of an adoption agency, or of one or more
33 persons other than the child's parent who are prospective adoptive
34 parents, he or she shall serve his or her entire pleading on, and
35 give notice of all proceedings to, the adoption agency or the
36 prospective adoptive parents, or both.

37 (f) A party to an assisted reproduction agreement may bring an
38 action at any time to establish a parent and child relationship
39 consistent with the intent expressed in that assisted reproduction
40 agreement.

(g) (1) In an action to determine the existence of the parent and child relationship brought pursuant to subdivision (b), if the child's other parent has died and there are no existing court orders or pending court actions involving custody or guardianship of the child, then the persons having physical custody of the child shall be served with notice of the proceeding at least 15 days prior to the hearing, either by mail or in any manner authorized by the court. If any person identified as having physical custody of the child cannot be located, the court shall prescribe the manner of giving notice.

(2) If known to the person bringing the parentage action, relatives within the second degree of the child shall be given notice of the proceeding at least 15 days prior to the hearing, either by mail or in any manner authorized by the court. If a person identified as a relative of the second degree of the child cannot be located, or his or her whereabouts are unknown or cannot be ascertained, the court shall prescribe the manner of giving notice, or shall dispense with giving notice to that person.

(3) Proof of notice pursuant to this subdivision shall be filed with the court before the proceeding to determine the existence of the parent and child relationship is heard.

SEC. 9. Section 7632 of the Family Code is amended to read:

7632. Regardless of its terms, an agreement between an alleged father or a presumed parent and the other parent or child does not bar an action under this chapter.

SEC. 10. Section 7635 of the Family Code is amended to read:

7635. (a) The child may, if under the age of 12 years, and shall, if 12 years of age or older, be made a party to the action. If the child is a minor and a party to the action, the child shall be represented by a guardian ad litem appointed by the court. The guardian ad litem need not be represented by counsel if the guardian ad litem is a relative of the child.

(b) The natural parent, each person presumed to be a parent under Section 7611, and each man alleged to be the natural father, may be made parties and shall be given notice of the action in the manner prescribed in Section 7666 and an opportunity to be heard. Appointment of a guardian ad litem shall not be required for a minor who is a parent of the child who is the subject of the petition to establish parental relationship, unless the minor parent is unable

1 to understand the nature of the proceedings or to assist counsel in
2 preparing the case.

3 (c) The court may align the parties.

4 (d) In any initial or subsequent proceeding under this chapter
5 where custody of, or visitation with, a minor child is in issue, the
6 court may, if it determines it would be in the best interest of the
7 minor child, appoint private counsel to represent the interests of
8 the minor child pursuant to Chapter 10 (commencing with Section
9 3150) of Part 2 of Division 8.

10 SEC. 11. Section 7637 of the Family Code is amended to read:

11 7637. The judgment or order may contain any other provision
12 directed against the appropriate party to the proceeding, concerning
13 the duty of support, the custody and guardianship of the child,
14 visitation privileges with the child, the furnishing of bond or other
15 security for the payment of the judgment, or any other matter in
16 the best interest of the child. The judgment or order may direct the
17 parent to pay the reasonable expenses of the mother's pregnancy
18 and confinement.

19 SEC. 12. Section 7641 of the Family Code is amended to read:

20 7641. (a) If there is a voluntary declaration of paternity in
21 place, or parentage or a duty of support has been acknowledged
22 or adjudicated under this part or under prior law, the obligation of
23 the parent may be enforced in the same or other proceedings by
24 any of the following:

25 (1) The other parent.

26 (2) The child.

27 (3) The public authority that has furnished or may furnish the
28 reasonable expenses of pregnancy, confinement, education, support,
29 or funeral.

30 (4) Any other person, including a private agency, to the extent
31 the person has furnished or is furnishing these expenses.

32 (b) The court may order support payments to be made to any
33 of the following:

34 (1) The other parent.

35 (2) The clerk of the court.

36 (3) A person, corporation, or agency designated to administer
37 the payments for the benefit of the child under the supervision of
38 the court.

1 (c) Willful failure to obey the judgment or order of the court is
2 a civil contempt of the court. All remedies for the enforcement of
3 judgments, including imprisonment for contempt, apply.

4 SEC. 13. Section 7644 of the Family Code is amended to read:

5 7644. (a) Notwithstanding any other law, an action for child
6 custody and support and for other relief as provided in Section
7 7637 may be filed based upon a voluntary declaration of paternity
8 as provided in Chapter 3 (commencing with Section 7570) of Part
9 2.

10 (b) Except as provided in Section 7576, the voluntary declaration
11 of paternity shall be given the same force and effect as a judgment
12 of parentage entered by a court of competent jurisdiction. The
13 court shall make appropriate orders as specified in Section 7637
14 based upon the voluntary declaration of paternity unless evidence
15 is presented that the voluntary declaration of paternity has been
16 rescinded by the parties or set aside as provided in Section 7575
17 of the Family Code.

18 (c) The Judicial Council shall develop the forms and procedures
19 necessary to implement this section.

20 SEC. 14. Section 7648.9 of the Family Code is amended to
21 read:

22 7648.9. This article does not establish a basis for setting aside
23 or vacating a judgment establishing paternity with regard to a child
24 conceived by assisted reproduction pursuant to Section 7613 or a
25 child conceived pursuant to a surrogacy agreement.

26 SEC. 15. Section 7660 of the Family Code is amended to read:

27 7660. If a mother relinquishes for or consents to, or proposes
28 to relinquish for or consent to, the adoption of a child who has a
29 presumed parent under Section 7611, the presumed parent shall
30 be given notice of the adoption proceeding and have the rights
31 provided under Part 2 (commencing with Section 8600) of Division
32 13, unless that parent's relationship to the child has been previously
33 terminated or determined by a court not to exist or the presumed
34 parent has voluntarily relinquished for or consented to the adoption
35 of the child.

36 SEC. 16. Section 7661 of the Family Code is amended to read:

37 7661. If the other parent relinquishes for or consents to, or
38 proposes to relinquish for or consent to, the adoption of a child,
39 the mother shall be given notice of the adoption proceeding and
40 have the rights provided under Part 2 (commencing with Section

1 8600) of Division 13, unless the mother's relationship to the child
2 has been previously terminated by a court or the mother has
3 voluntarily relinquished for or consented to the adoption of the
4 child.

5 SEC. 17. Section 7662 of the Family Code is amended to read:

6 7662. (a) If a mother relinquishes for or consents to, or
7 proposes to relinquish for or consent to, the adoption of a child,
8 or if a child otherwise becomes the subject of an adoption
9 proceeding, the agency or person to whom the child has been or
10 is to be relinquished, or the mother or the person having physical
11 or legal custody of the child, or the prospective adoptive parent,
12 shall file a petition to terminate the parental rights of the alleged
13 father, unless one of the following occurs:

14 (1) The alleged father's relationship to the child has been
15 previously terminated or determined not to exist by a court.

16 (2) The alleged father has been served as prescribed in Section
17 7666 with a written notice alleging that he is or could be the
18 biological father of the child to be adopted or placed for adoption
19 and has failed to bring an action for the purpose of declaring the
20 existence of the father and child relationship pursuant to
21 subdivision (c) of Section 7630 within 30 days of service of the
22 notice or the birth of the child, whichever is later.

23 (3) The alleged father has executed a written form developed
24 by the department to waive notice, to deny his paternity, relinquish
25 the child for adoption, or consent to the adoption of the child.

26 (b) The alleged father may validly execute a waiver or denial
27 of paternity before or after the birth of the child, and once signed,
28 no notice of, relinquishment for, or consent to adoption of the child
29 shall be required from the alleged father for the adoption to
30 proceed.

31 (c) All proceedings affecting a child under Divisions 8
32 (commencing with Section 3000) to 11 (commencing with Section
33 6500), inclusive, and Parts 1 (commencing with Section 7500) to
34 3 (commencing with Section 7600), inclusive, of this division,
35 other than an action brought pursuant to this section, shall be stayed
36 pending final determination of proceedings to terminate the parental
37 rights of the alleged father pursuant to this section.

38 (d) Nothing in this section may limit the jurisdiction of the court
39 pursuant to Part 3 (commencing with Section 6240) and Part 4

1 (commencing with Section 6300) of Division 10 with respect to
2 domestic violence orders.

3 SEC. 18. Section 7663 of the Family Code is amended to read:

4 7663. (a) In an effort to identify all alleged fathers and
5 presumed parents, the court shall cause inquiry to be made of the
6 mother and any other appropriate person by one of the following:

7 (1) The State Department of Social Services.

8 (2) A licensed county adoption agency.

9 (3) The licensed adoption agency to which the child is to be
10 relinquished.

11 (4) In the case of a stepparent adoption, the licensed clinical
12 social worker or licensed marriage and family therapist who is
13 performing the investigation pursuant to Section 9001, if
14 applicable. In the case of a stepparent adoption in which no licensed
15 clinical social worker or licensed marriage and family therapist is
16 performing the investigation pursuant to Section 9001, the board
17 of supervisors may assign those inquiries to a licensed county
18 adoption agency, the county department designated by the board
19 of supervisors to administer the public social services program, or
20 the county probation department.

21 (b) The inquiry shall include all of the following:

22 (1) Whether the mother was married at the time of conception
23 of the child or at any time thereafter.

24 (2) Whether the mother was cohabiting with a man at the time
25 of conception or birth of the child.

26 (3) Whether the mother has received support payments or
27 promises of support with respect to the child or in connection with
28 her pregnancy.

29 (4) Whether any person has formally or informally
30 acknowledged or declared his or her possible parentage of the
31 child.

32 (5) The names and whereabouts, if known, of every person
33 presumed or man alleged to be the parent of the child, and the
34 efforts made to give notice of the proposed adoption to each person
35 identified.

36 (c) The agency that completes the inquiry shall file a written
37 report of the findings with the court.

38 SEC. 19. Section 7664 of the Family Code is amended to read:

39 7664. (a) If, after the inquiry, the biological father is identified
40 to the satisfaction of the court, or if more than one man is identified

1 as a possible biological father, notice of the proceeding shall be
2 given in accordance with Section 7666. If any alleged biological
3 father fails to appear or, if appearing, fails to claim parental rights,
4 his parental rights with reference to the child shall be terminated.

5 (b) If the biological father or a man representing himself to be
6 the biological father claims parental rights, the court shall
7 determine if he is the biological father. The court shall then
8 determine if it is in the best interest of the child that the biological
9 father retain his parental rights, or that an adoption of the child be
10 allowed to proceed. The court, in making that determination, may
11 consider all relevant evidence, including the efforts made by the
12 biological father to obtain custody, the age and prior placement of
13 the child, and the effects of a change of placement on the child.

14 (c) If the court finds that it is in the best interest of the child that
15 the biological father should be allowed to retain his parental rights,
16 the court shall order that his consent is necessary for an adoption.
17 If the court finds that the man claiming parental rights is not the
18 biological father, or that if he is the biological father it is in the
19 child's best interest that an adoption be allowed to proceed, the
20 court shall order that the consent of that man is not required for
21 an adoption. This finding terminates all parental rights and
22 responsibilities with respect to the child.

23 SEC. 20. Section 7665 of the Family Code is amended to read:

24 7665. If, after the inquiry, the court is unable to identify the
25 biological father or any possible biological father and no person
26 has appeared claiming to be the biological father and claiming
27 custodial rights, the court shall enter an order terminating the
28 unknown biological father's parental rights with reference to the
29 child.

30 SEC. 21. Section 7666 of the Family Code is amended to read:

31 7666. (a) Except as provided in subdivision (b), notice of the
32 proceeding shall be given to every person identified as the
33 biological father or a possible biological father in accordance with
34 the Code of Civil Procedure for the service of process in a civil
35 action in this state at least 10 days before the date of the
36 proceeding, except that publication or posting of the notice of the
37 proceeding is not required. Proof of giving the notice shall be filed
38 with the court before the petition is heard.

39 (b) Notice to a man identified as or alleged to be the biological
40 father shall not be required, and the court shall issue an order

1 dispensing with notice to him, under any of the following
2 circumstances:

3 (1) The relationship to the child has been previously terminated
4 or determined not to exist by a court.

5 (2) The alleged father has executed a written form to waive
6 notice, deny his paternity, relinquish the child for adoption, or
7 consent to the adoption of the child.

8 (3) The whereabouts or identity of the alleged father are
9 unknown or cannot be ascertained.

10 (4) The alleged father has been served with written notice of
11 his alleged paternity and the proposed adoption, and he has failed
12 to bring an action pursuant to subdivision (c) of Section 7630
13 within 30 days of service of the notice or the birth of the child,
14 whichever is later.

15 SEC. 22. Section 7667 of the Family Code is amended to read:

16 7667. (a) Notwithstanding any other provision of law, an action
17 to terminate the parental rights of an alleged father of a child as
18 specified in this part shall be set for hearing not more than 45 days
19 after filing of the petition, except as provided in subdivision (c).

20 (b) The matter so set shall have precedence over all other civil
21 matters on the date set for trial, except an action to terminate
22 parental rights pursuant to Part 4 (commencing with Section 7800).

23 (c) The court may dispense with a hearing and issue an ex parte
24 order terminating parental rights if any of the following ~~apply~~
25 *applies*:

26 (1) The identity or whereabouts of the alleged father are
27 unknown.

28 (2) The alleged father has validly executed a waiver of the right
29 to notice or a denial of paternity.

30 (3) The alleged father has been served with written notice of
31 his alleged paternity and the proposed adoption, and he has failed
32 to bring an action pursuant to subdivision (c) of Section 7630
33 within 30 days of service of the notice or the birth of the child,
34 whichever is later.

35 SEC. 23. Section 7669 of the Family Code is amended to read:

36 7669. (a) An order requiring or dispensing with an alleged
37 father's consent for the adoption of a child may be appealed from
38 in the same manner as an order of the juvenile court declaring a
39 person to be a ward of the juvenile court and is conclusive and
40 binding upon the alleged father.

1 (b) After making the order, the court has no power to set aside,
2 change, or modify that order.

3 (c) Nothing in this section limits the right to appeal from the
4 order and judgment.

5 SEC. 24. Section 69617 is added to the Government Code, to
6 read:

7 69617. (a) The Legislature hereby ratifies the authority of the
8 Judicial Council to convert 10 subordinate judicial officer positions
9 to judgeships in the 2013–14 fiscal year where the conversion will
10 result in a judge being assigned to a family law or juvenile law
11 assignment previously presided over by a subordinate judicial
12 officer, pursuant to subparagraph (C) of paragraph (1) of
13 subdivision (c) of Section 69615.

14 (b) The action described in subdivision (a) shall be in addition
15 to any action that may be taken pursuant to the authority described
16 in subparagraph (B) of paragraph (1) of subdivision (c) of Section
17 69615 to convert up to 16 subordinate judicial officer positions to
18 judgeships.